

1 THE HONORABLE FRANKLIN D. BURGESS
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JAMES W. FOWLER CO., an Oregon
corporation,

11 Plaintiff,

12 v.

13 ACE AMERICAN INSURANCE
14 COMPANY, a Pennsylvania corporation,

15 Defendant.

No. CV04-5400

AMENDED STIPULATION AND
ORDER EXTENDING PRETRIAL
DEADLINES.

NOTE ON MOTION CALENDAR:
August 9, 2005

16 **AMENDED STIPULATION**

17 The parties hereto, by and through their attorneys herein, hereby stipulate to entry of
18 the Order below, which further briefly extends various pretrial deadlines that were originally
19 set forth in this Court's Minute Order Scheduling Jury Trial and Pretrial Dates dated
20 November 22, 2004, and which were later extended by the parties' original Stipulation and
21 Order Extending Pretrial Deadlines, which this Court entered on June 23, 2005.

22 The parties stipulate to the additional short extensions so that they may focus their
23 efforts on continued settlement negotiations with mediator Deborah Youngblood without
24 having to simultaneously meet numerous pre-trial deadlines.

25 The parties' Amended Stipulation herein also obviates the need for this Court to rule
26 on Defendant ACE's Motion to Extend Discovery Cut-Off to Allow Completion of Two Lay

1 Witness Deposition, which Motion was filed on August 5, 2005, and was set for hearing by
2 this Court on August 16, 2005. ACE will be formally withdrawing that Motion.
3

4 Per the Stipulation and Order Extending Pretrial Deadlines entered by this Court on
5 June 23, 2005, the parties were to attend mediation by August 15, 2005. In compliance with
6 that Order, the parties began mediation on August 3, 2005, and have been in ongoing
7 mediated settlement discussions since. A further brief extension of various remaining
8 pretrial deadlines will allow the parties to focus on continued settlement efforts.
9

10 As this Court earlier denied Defendant ACE American Insurance Company's Motion
11 to Extend Trial Date, **the parties Amended Stipulation herein does not alter the**
12 **originally scheduled trial date of October 31, 2005.**
13

14 DATED this ____ day of August, 2005.
15

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13 **ORDER**
14

THIS matter having come before the Court on the parties' Amended Stipulation and
Order Extending Pretrial Deadlines, IT IS HEREBY

16 **ORDERED** as follows:

17 1. The date for disclosure of rebuttal experts and their opinions, and exchange of
any rebuttal expert reports, is hereby reset to **August 26, 2005**.
18

20 2. The date for objections to the opposition's experts—both primary and
rebuttal—is hereby reset to **August 31, 2005**.
21

22 3. For the limited purpose of allowing the depositions of Fred Hammond and
Seth Schade, the discovery cut-off deadline is hereby reset to **August 31, 2005**. The parties
are not to serve new or additional written discovery requests to one another, and they are not
25 to note any additional depositions not already noted.
26

1 4. The parties agree to put off the damages-related deposition of David R. Streiff
2 until after the mediation is completed.

3 5. The deadline for filing all remaining motions, including DISPOSITIVE
4 MOTIONS, is hereby reset to **September 1, 2005**.

5 6. The deadline for filing Trial Briefs, Motions in Limine, and lodging the
6 Proposed Pre-Trial Order is hereby reset to **October 6, 2005**.

7 7. The original trial date remains unchanged at **October 31, 2005**.

8 DATED this 9th day of August 2005.

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11 
12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE

14 Presented by:

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1 Approved as to form; Notice
2 of Presentation Waived

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